HC-KAR

NC: 2026:KHC:64133
WP No. 15541 of 2024

CNR: KAHC010300672024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 15541 OF 2024 (GM-RES)

BETWEEN:

M. KRISHNA REDDY
S/O M VENKATA REDDY,
AGED ABOUT 62 YEARS,
R/O NO.59D, 4TH A CROSS,
30TH MAIN, BTM II STAGE,
BENGALURU - 560 076

...PETITIONER

(BY SRI. K.V. SATISH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S.BUILDINGS,
BENGALURU - 560 001

2. THE TAHSILDAR
ANEKAL TALUK,
ANEKAL - 562 106
BENGALURU URBAN DISTRICT.

...RESPONDENTS

(BY SRI. M. SRINIVAS KUMAR, HCGP FOR R1 AND R2)

Digitally signed by PAVITHRA B
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010300672024

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO COMPLETE THE FORMATION OF ROAD (HULIMANGALA HEBBAGODI LEADING ACCESS TO THE PETITIONERS HEBBAGODI) PROPERTY SITUATED IN SY.NOS.50/3, 50/4, 49/3 AND 49/4 OF MARAGONDANAHALLI VILLAGE, JIGANI HOBLI, ANEKAL TALUK, BENGALURU DISTRICT, WITHIN AN OUTER LIMIT OF THREE MONTHS OR SUCH PERIOD AS DEEMED FIT BY THIS HONBLE COURT ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner claims to be the owner of converted lands situated in Sy. Nos. 50/3, 50/4, 49/3 and 49/4, totally measuring 5 acres 8 guntas (excluding 6 guntas of Kharab land), situated at Maragondanahalli Village, Jigani Hobli, Anekal Taluk, Bengaluru District.

2. It is stated that, upon conversion of the aforementioned lands, the petitioner approached the Planning Authority for sanction of a development plan, which was accordingly sanctioned by the Planning

Authority. When the petitioner intended to develop the lands, it was found that the public road abutting the petitioner's lands had been encroached upon by the adjacent landowners. In that regard, the petitioner had approached this Court in W.P. No. 23200/2023, seeking a direction to the respondent-Authorities to form the road and remove the encroachments, while also taking note of the directions issued by this Court in W.P. No.3969/2007 and connected matters.

3. This Court, by order dated 30.10.2023, disposed of W.P. No. 23200/2023, directing the respondent-Revenue Authorities to consider the representation of the petitioner within an outer limit of three months.

4. It is the submission of learned counsel for the petitioner that, pursuant to the direction issued by this Court to consider the representation of the petitioner, the jurisdictional Tahsildar initiated proceedings for removal of

the encroachments. However, the proceedings have not been taken to its logical conclusion, and the removal of encroachments was stopped midway.

5. As a result, the petitioner had to approach this Court through the instant writ petition, seeking a writ of mandamus directing the respondent-Authorities to complete the formation of the road and provide access to the petitioner's property. Taking note of the aforesaid proceedings and the prayer made by the petitioner, this Court directed learned HCGP to file an affidavit on behalf of respondent No.2, explaining the action taken on the representation submitted by the petitioner for removal of encroachments on the public road, which is causing hindrance to the petitioner in developing his properties.

6. Pursuant to the said order, an affidavit of respondent No.2 was filed on 12.11.2026, explaining the circumstances under which the proceedings for removal of encroachments were commenced and subsequently

stopped. It is also brought on record that, at the request of the adjacent landowner, the cart track and Rajakaluve were diverted pursuant to the orders passed by the Deputy Commissioner.

7. It is further stated that the person in whose favour the orders of diversion were passed by the Deputy Commissioner has violated the terms and conditions of the said orders. Therefore, respondent No.2 has submitted a detailed report dated 10.11.2026 to the Deputy Commissioner, pointing out the violations of the conditions imposed in the diversion orders dated 03.07.2024 and seeking initiation of appropriate action for cancellation of the said orders. A copy of the communication dated 09.11.2026 is also placed on record along with the affidavit.

8. It is appropriate to extract the relevant paragraphs of the affidavit filed by respondent No.2, namely, paragraph Nos. 16 to 19, which read as follows:

"16. I submit that, in the circumstances, this office has submitted a detailed report dated 10.11.2026 bearing No.TOANK-LND0J/57/2024 to the Deputy Commissioner, Bengaluru Urban District, bringing to the notice of the competent authority the violations of the conditions imposed in the diversion orders dated 03.07.2024. In the said report, this office has specifically requested the Deputy Commissioner to examine the violations and take appropriate action for cancellation of the said diversion orders, in accordance with law. The copy of the report dated 10.11.2026 is herewith produced as Annexure-R3.

17. I submit that the request for cancellation of the diversion orders has been made on the grounds set out above. The request remains for decision by the Deputy Commissioner, Bengaluru Urban District.

18. I submit that the above proceedings clearly demonstrate that the Revenue Authorities have undertaken spot inspection, survey and demarcation of the road/cart track and rajakaluve, identified the encroached portions with reference to

the survey records, taken steps for removal of encroachments in the diverted portions and documented the post-removal position through GPS photographs and survey sketches. The matters concerning compliance with the conditions of the diversion orders have also been brought to the notice of the Deputy Commissioner for appropriate action.

19. I submit that the present affidavit is being filed in connection with the orders of this Hon'ble Court and to place on record the steps taken by the Revenue Authorities. I respectfully submit that the reports dated 09.11.2026 and 10.11.2026, together with the relevant survey sketch and GPS photographs, may kindly be taken on record for the proper adjudication of the above writ petition."

9. On a reading of the aforesaid averments made in the affidavit, it is clear that, on account of the orders of diversion, the existing road/cart track and Rajakaluve were sought to be diverted. In view of the violation of the terms and conditions of the diversion orders, the authorities are required to take necessary action, and in

that regard, a request has been made to the Deputy Commissioner for appropriate orders.

10. In that light, it is for the Deputy Commissioner to pass appropriate orders on the report dated 10.11.2026 submitted by the Revenue Inspector, Jigani Hobli, Anekal Taluk, Bengaluru District, through the Tahsildar, Anekal Taluk, Bengaluru Urban District, and take necessary steps for removal of the encroachments, if any, in accordance with law.

11. In the result, the following:

ORDER

i. The writ petition is ***disposed of***.

ii. The Deputy Commissioner, Bengaluru Urban District, shall pass appropriate orders on the report submitted by respondent No.2 dated 10.11.2026, produced as Annexure-R3 along with the affidavit filed on 12.11.2026, within an outer limit of 8 weeks from today.

iii. The further action for removal of the encroachments shall be taken by respondent No.2, depending upon the orders that may be passed by the Deputy Commissioner, within 2 months thereafter.

iv. In view of the disposal of the main petition, I.A.No.1/2025 seeking early hearing does not survive for consideration

Sd/-
(T.P.VIVEKANANDA)
JUDGE

SMC
List No.: 1 Sl No.: 18